S.B. CIVIL WRIT PETITION NO.1841/2005

Post Master General, Jodhpur and others.

Vs.

Smt. Pushpa Devi and another.

Date : 5.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. DLR Vyas for Mr. BM Bohra, for the petitioners.
Mr. Sumeet Mehta, for the respondent no.1.

- - - - -

Heard learned counsel for the parties.

The petitioners Post Master General and other officers of the Postal Department have preferred this writ petition to challenge the order dated 18.12.2004 by which the Permanent Lok Adalat allowed the petition of the respondent no.1 by which the respondent no.1 sought payment of five National Saving Certificates (NSC) which were obtained by the husband of the respondent no.1 in his life time.

It appears from the fact that the said NSCs having value of Rs.1,000/- each were issued in favour of husband of respondent no.1 and thereafter, the husband died on 4.2.1991. The respondent no.1 requested for payment of the said amount before the petitioner no.3 upon which according to the respondent no.1, the officers told her that she should obtain succession certificate for the amount left by

her husband. The respondent no.1 submitted a petition for getting the succession certificate which was granted to the respondent no.1 by competent court on 24.11.1999. The Court held that the respondent no.1 – widow of NSC holder is the legally entitled person to receive the amount of NSC. The said succession certificate was submitted before the postal department but the department refused to pay the amount of NSC on the ground that the deceased nominated Dhani Devi to receive the amount of NSCs, therefore, as per the Rules for payment, the amount could have been given only to the nominee. According to petitioner, the nominee also applied for payment by submitting an application (Annex.3) which is dated 11.2.1993. According to the petitioners, therefore, the Permanent Lok Adalat was wrong in passing the order of payment of Rs.5,000/- along with interest accrued thereon (if any) to the respondent no.1.

I have considered the submissions of learned counsel for the parties.

It is clear from the facts that a competent court has already issued succession certificate in favour of the respondent no.1. The petitioners have not paid the amount to the alleged nominee Dhanni Devi and has also not paid the said petty amount of Rs.5,000/- to the respondent no.1 despite the fact that the respondent no.1 has been held to be entitled to receive the amount of the said certificates.

In these facts and circumstances, it is clear that the

writ petition has been filed only just to harass an old widow lady and she was deprived of the money for a long period of more than 13 years.

In view of the above facts, I do not find any justification for filing of the writ petition as the alleged nominee herself has not even challenged the order of Permanent Lok Adalat nor she has made any efforts for getting the money and nothing has been brought on record by the petitioners why the money has not been paid to the respondent no.1 after the order of Permanent Lok Adalat when the amount was only Rs.5,000/- and for that purpose, the respondent no.1 widow had to obtain the succession certificate from the Court of law.

In view of the above, I do not find any merit in this writ petition and the same appears to be abuse of court. Accordingly, the writ petition is dismissed with costs of Rs.5,000/-.

The stay order granted by this court on 30.3.2005 is vacated. The stay petition is also dismissed.

(PRAKASH TATIA), J.

S.Phophaliya